

**REMARKS**

Claims 4-6 remain pending, with claim 4 currently amended. Claims 1-3 are canceled.

No claims are added.

Claims 1-3 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. As shown above, though, claims 1-3 are now canceled. Thus, their rejection is rendered moot.

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 102(b) as anticipated by Maeda, U.S. Patent No. 5,317,519. Regarding claims 1 and 2, those claims are canceled, as discussed above, so their rejection is rendered moot. Regarding claims 5 and 6, applicant respectfully traverses this rejection.

Claim 4 describes an apparatus that includes a stock blank lattice point generating section, which represents the shape of the stock blank for a workpiece by “three-dimensional lattice point data,” and the claim specifies that these three-dimensional lattice point data comprise a “multiplicity of lattice points” arranged along three axes extending perpendicularly to each other. The original version of claim 4 further specified that the multiplicity of lattice points are *each* defined by:

*three-dimensional coordinate data and connection information indicative of relationships between the each lattice point and lattice points located adjacent thereto along the three axes [emphasis added].*

(The relevance of discussing the original version of the claim will become apparent below.)

Claim 5 depends from claim 4, so claim 5 also recites the subject matter recited in claim 4.

Maeda does not teach a “multiplicity of lattice points” as claimed. Applicant acknowledges that the Office Action states on page 4, second paragraph, that the blocks shown

in Fig. 4 teach such lattice points. Applicant also acknowledges the following disclosure in column 4, lines 20-27:

The three-dimensional shape memory 11 expresses the shape by storing a Z-directional height on the storage unit specified by an X-address and a Y-address.  
... The material shape is expressed in the form of blocks.

Applicant further acknowledges the possibility that perhaps this disclosure might be relied upon to teach lattice points defined by three-dimensional coordinate data.

However, as stressed above, the rejected claims, in their form at the time the Office Action issued, specified that the multiplicity of lattice points were *also* each defined by “connection information indicative of relationships between the each lattice point and lattice points located adjacent thereto along the three axes.” A disclosure of lattice points defined only by coordinate data does not anticipate lattice points also defined by “connection information,” *as that term is used in the present application.*

Note applicant’s specification, page 6, middle, which defines “connection information” as follows:

The term “connection information” herein means information indicative of whether or not lattice points are present at positions adjacent to a lattice point of interest along the three axes in the six axial directions.

As an example, connection information for a lattice point on an upper surface of a stock blank can be “(-x, +x, -y, +y, -z, 0),” with the null connection sign for the Z-axis positive direction. Connection information for a lattice point inside the stock blank can be “(-x, +x, -y, +y, -z, +z),” indicating that there is an adjacent lattice point in all six directions. (See applicant’s specification, paragraph bridging pages 13 and 14.)

MPEP § 2106 requires that the PTO “must rely on the applicant’s disclosure to properly determine the meaning of the claims.” “[A]n applicant is entitled to be his or her own

lexicographer.” “Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim.” (Page 2100-8.) Thus, the PTO must accept applicant’s definition of “connection information.”

Because the Maeda disclosure of lattice points defined only by coordinate data cannot anticipate lattice points defined also by “connection information,” as that term is used in the present application, the rejection cannot be proper. To emphasize this distinction between the claimed invention and the technology of Maeda, applicant amends claims 1 and 4 as shown above to recite applicant’s definition of “connection information.” (This amendment should not be interpreted as a narrowing amendment, because it only causes the claims to recite explicitly now what had previously been recited implicitly by reference to the specification.)

Thus, applicants respectfully submit that the anticipation rejection of claims 4 and 5 should be withdrawn, because Maeda does not disclose an apparatus with a stock blank lattice point generating section, which represents the shape of the stock blank by three-dimensional lattice point data comprising a multiplicity of lattice points, each of which is defined by three-dimensional coordinate data and “connection information indicative of whether or not lattice points are present at positions adjacent to a lattice point of interest along the three axes in the six axial directions.”

Claims 3 and 6 stand rejected under 35 U.S.C. § 103(a) as obvious over Maeda in view of additional prior art. Regarding claim 3, that claim is canceled, as discussed above, so its rejection is rendered moot. Regarding claim 6, applicant respectfully traverses this rejection.

The obviousness rejection of claim 6 relies in part on Maeda properly anticipating claims 4 and 5. As explained above, though, Maeda does not anticipate claims 4 and 5. Therefore, the obviousness rejection of claim 6 cannot be proper.

Accordingly, withdrawal of the obviousness rejection of claim 6 is now solicited.

In view of the remarks above, applicant submits that the entire application is in condition for allowance, and a Notice of Allowability is now requested. If the Examiner believes that issues remain unresolved, he is welcome to contact the undersigned.

If necessary, the undersigned authorizes deducting any fees that may be due from Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Joseph L. Felber  
Attorney for Applicants  
Registration No. 48,109  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

JLF/af  
Q:\2001\011452\011452 response to 7-12-05 action.doc